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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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|-----------------|-------------|----------------------|---------------------|

08/472,876 06/07/95 GARCIA

A TRD-001-IA

EXAMINER

LM61/0915

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MEI.X

ART UNIT

PAPER NUMBER

2743

DATE MAILED:

09/15/98

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**08/472,876**

Applicant(s)  
**Garcia et al.**

Examiner  
**Xu Mei**

Group Art Unit  
**2743**



☒ Responsive to communication(s) filed on Jul 2, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 2, 5, 9, 14, 15, 17, 18, 24, 28, 29, 31, 33-35, 37-40, 43, and 44 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☒ Claim(s) 14, 15, 28, 35, 37, 38, and 44 is/are allowed.

☒ Claim(s) 17, 18, 29, 31, 33, 34, 39, 40, and 43 is/are rejected.

☒ Claim(s) 2, 5, 9, and 24 is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. This communication is responsive to the applicant's amendment dated 07/02/1998.
2. The indicated allowability of claims 2, 5, 9, 14-15, 17-18, 24, 28-29, 31, 33-35 and 37-42 is withdrawn in view of new ground(s) of rejection. Rejections based on the new ground(s) follow.
3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
4. Claims 17-18, 29 and 39 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Proper functional language(s) regarding the claimed subject matter(s) is/are lacked in claims 17-18, 29 and 39.
5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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6. Claims 31, 33-34, 43, and 40 are rejected under 35 U.S.C. 112, first paragraph, while being as **single means claim**. A claim which recites, solely, a single 'means' as its function(s) is subject to an undue breadth rejection under 35 U.S.C. 112, first paragraph. In re Haytt, 708 F.2d 712, 218 USPQ 195 (Fed. Cir. 1983).

7. Claims 24, 2, 5 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 35, 37, 14, 15, 28, 38 and 44 are allowed.

9. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**Or:**

(703) 305-9508 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xu Mei whose telephone number is (703) 308-6610.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

  
xm

09/06/1998

  
CURTIS A. KUNTZ  
SUPERVISORY PATENT EXAMINER  
GROUP 2700